

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed July 13, 2005. In order to advance prosecution of the present Application, Claims 1, 13, 18, 22, 25, 27, 44, and 45 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-13, 18, 44, and 45 stand rejected under 35 U.S.C. §102(e) as being anticipated by Safai. Independent Claims 1 and 13 recite in general the ability to automatically communicate the digital images to a wide area network, to automatically identify an entity on the wide area network to which the data images are sent, and to automatically receive configuration data from the entity where the configuration data controls communication of the digital images without any user interfacing. Similarly, Independent Claims 44 and 45 provide for the communication of image data from a reference platform to a service provider without user interaction. By contrast, the Safai patent requires a user to manually identify the service provider and manually upload images to the service provider. Thus, the Safai patent does not provide a reference platform that automatically identifies a service provider, receives configuration data from the service provider, and sends images to the service provider in response to the configuration data without user interfacing as required in the claimed invention. Support for the above recitation can be found at page 8, lines 1-10, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-13, 18, 44, and 45 are not anticipated by the Safai patent.

Claims 22-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bandaru, et al. Independent Claims 22 provides an ability for a reference platform to interface with

a website without user interaction. Independent Claim 25 provides an ability to establish initial user profile information on a reference platform without user interaction. Independent Claim 27 provides an ability for a device to interface with a central server without user interaction. By contrast, the system of the Bandaru, et al. patent requires user input and interaction. Therefore, Applicant respectfully submits that Claims 22-28 are not anticipated by the Bandaru, et al. patent.

Claims 14-17, 19, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Safai in view of Wasula, et al. Independent Claim 13, from which Claims 14-17, 19, and 20 depend, has been shown above to be patentably distinct from the Safai patent. Moreover, the Wasula, et al. patent does not include any additional disclosure combinable with the Safai patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 14-17, 19, and 20 are patentably distinct from the proposed Safai - Wasula, et al. combination.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Safai in view of Paz-Pujalt, et al. Independent Claim 13, from which Claim 21 depends, has been shown above to be patentably distinct from the Safai patent. Moreover, the Paz-Pujalt, et al. patent does not include any additional disclosure combinable with the Safai patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 21 is patentably distinct from the proposed Safai - Paz-Pujalt, et al. combination.

Claims 29-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bandaru, et al. in view of Safai. Independent Claim 27, from which Claims 29-43 depend, have been shown above to be patentably distinct from the Bandaru,

et al. patent. Moreover, the Safai patent does not include any additional disclosure combinable with the Bandaru, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 21 is patentably distinct from the proposed Bandaru, et al. - Safai combination.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,
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